IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 813 of 2007()

CC.348/2005 of J.M.F.C.-I,PALAKKAD
(CRIME NO.135/2005 OF KASABA POLICE STATION, PALAKKAD)

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PETITIONERS/ACCUSED

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1. **A.SHAJAHAN,**
   S/O.LATE HANEEFA RAWTHER,
   KIZHAKKETHARA HOUSE, KOTTEKKAD (P.O.),
   PALAKKAD.

2. **A.BASHEER,**
   S/O.LATE HANEEFA RAWTHER,
   KIZHAKKETHARA HOUSE, KOTTEKKAD (P.O.),
   PALAKKAD.

3. **A.ABDUL BASHEED,**
   S/O.LATE HANEEFA RAWTHER,
   KIZHAKKETHARA HOUSE, KOTTEKKAD (P.O.),
   PALAKKAD.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 813 OF 2007 B

Dated this the 12th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.135/2005 of Kasaba Police Station for offences punishable under Sections 341 and 324 read with section 34 I.P.C., seek anticipatory bail. The petitioners were granted bail after cognizance by the JFCM-I, Palakkad in C.C. No.348/2005. Subsequently, consequent on the non-appearance of the petitioners, their bail was cancelled. Admittedly, non-bailable warrants of arrest are pending against the petitioners. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the JFCM-I, Palakkad and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioners for their previous non-appearance, notwithstanding warrants, if any, pending against the petitioners.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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